

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANDREA M. SMITH,

Plaintiff,

:

Case No. 3:10-cv-013

-vs-

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

GE AVIATION,

Defendant.

DECISION AND ORDER DENYING PLAINTIFF'S MOTION *IN LIMINE*

This case is before the Court on Plaintiff's Motion in Limine to prohibit further distribution by Defendant of a blog posting dated November 19, 2008, and to preclude admission of the blog posting in evidence. This Motion was filed by Plaintiff *pro se* at a time when she was apparently unrepresented by counsel.

The first branch of the Motion would, at least potentially, violate Defendant GE Aviation's First Amendment rights by imposing a prior restraint on its publishing something which is, by definition, in the public domain. If the publication constitutes defamation of the Plaintiff, her remedy lies in a damages action for the publication.

The second branch of the Motion claims that the document is hearsay. Whether Defendant will even attempt to introduce it in evidence and whether Defendant can at that time establish some exception to the hearsay rule remains to be seen at trial. It would be premature to decide that question at this time.

Accordingly, the Motion in Limine is denied without prejudice to the merits of any objection which may be raised to this claim at the time of trial.

November 26, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge